

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>Cr. No. 2:07cr30-WHA</b>
	)	
<b>EPIFANIO ALCARAZ-ALCARAZ</b>	)	
aka Manuel Rayos _____	)	

**UNOPPOSED MOTION TO CONTINUE TRIAL**

COMES NOW the Defendant, Epifanio Alcaraz-Alcaraz, by and through undersigned counsel, Kevin L. Butler, and moves this Court, pursuant to 18 U.S.C. §§ 3161(h)(1)(G), (h)(1)(I), (h)(6), (h)(8)(B)(i), and (h)(8)(B)(iv) for a continuance of his trial setting of July 9, 2007. In support of this motion, Defendant would show the following:

1. Mr. Alcaraz-Alcaraz is charged by superseding indictment with possession with intent to distribute narcotics. Trial in this matter is presently scheduled for July 9, 2007.
2. This matter will not proceed to trial.
3. In addition to the charges pending in this district, Mr. Alcaraz-Alcaraz has pending federal charges in the United States District Court for the Western District of Texas Austin Division.<sup>1</sup> (See Ex. 1).
4. In order to preserve judicial, prosecutorial and defense resources, pursuant to Federal Rule of Criminal Procedure 20, the parties have agreed to resolve all pending federal charges/cases in one proceeding in the United States District Court for the Western District of Texas Austin

---

<sup>1</sup> This information was provided to undersigned counsel by Mr. Alcaraz-Alcaraz counsel in Texas, Guillermo Gonzalez Esq. (512) 474-8001. Undersigned counsel has been working with Mr. Gonzalez (and government counsel) to finalize a "Rule 20" disposition of this matter.

Division.<sup>2</sup>

5. However, as a result of the multi-jurisdictional nature of the case final Rule 20 arrangements and a final plea agreement can not be completed before the presently scheduled trial date.
6. For these reasons, it is in the interest of justice to continue trial in this matter.<sup>3</sup>
7. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11<sup>th</sup> Cir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), Mr. Alcaraz-Alcaraz feels that, in this case, the ends of justice will be served by allowing the defense adequate time to finalize a plea agreement and locate all information relevant and necessary to prepare a defense to the charges. Additionally, pursuant to 18 U.S.C. §§ 3161(h)(1)(G), (h)(1)(I), (h)(6), (h)(8)(B)(i), and (h)(8)(B)(iv) , this court has authority to continue trial to allow counsel time to investigate this complex case.
8. The United States, through Assistant United States Attorney Clark Morris, does not oppose the granting of a continuance.

**WHEREFORE**, for the foregoing reasons, Mr. Alcaraz-Alcaraz respectfully requests that his trial date be continued from the presently scheduled date of June 4, 2007.

Dated this 25<sup>h</sup> day of June 2007.

Respectfully submitted,

s/ Kevin L. Butler

---

<sup>2</sup> The prosecutorial authorities in Texas are in possession of a greater volume of inculpatory evidence against Mr. Alcaraz-Alcaraz. Additionally, the potential penalties against Mr. Alcaraz-Alcaraz are substantially greater in Texas. Therefore, all parties have determined that Texas is the appropriate venue for these proceedings.

<sup>3</sup> It is not anticipated any further continuances will be necessary.

KEVIN L. BUTLER  
First Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [kevin\\_butler@fd.org](mailto:kevin_butler@fd.org)  
AZ Bar Code: 014138

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**EPIFANIO ALCARAZ-ALCARAZ**

**aka Manuel Rayos**

**Cr. No. 2:07CR30-WHA**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

A. Clark Morris, Esquire  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler  
KEVIN L. BUTLER  
First Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [kevin\\_butler@fd.org](mailto:kevin_butler@fd.org)  
AZ Bar Code: 014138

FILED

2006 MAY 16 PM 4:05

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISIONUNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

CRIMINAL NO.

BY de  
DEPUTY

I N D I C T M E N T

A06 CR-102 SS

(1) EPIFANIO ALCAREZ  
aka "El Chino"  
(2) LAURA PATRICIA LOPEZ ALFARO  
(3) MARIA GUERRERO ALFARO  
(4) ALEJANDRO RODRIGUEZ MARAVILLA  
and  
(5) ARTURO GARCIA  
Defendant.) [Violation: 21 USC 846 -  
) Conspiracy to distribute  
) cocaine;  
) 21 USC 841(a)(1) - possession  
) with intent to distribute cocaine]  
)  
)

USAO # 2006RO2992

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. § 846]

Beginning in or about November 2005 and continuing until on or  
about May 3, 2006 at Austin, Texas in the Western District of Texas,  
the Defendants,EPIFANIO ALCAREZ aka "El Chino"  
LAURA PATRICIA LOPEZ ALFARO  
MARIA GUERRERO ALFARO  
ALEJANDRO RODRIGUEZ MARAVILLA  
and  
ARTURO GARCIA,knowingly, intentionally and unlawfully combined, conspired,  
confederated, and agreed together and with others known and unknown to  
possess with the intent to distribute a controlled substance, which  
offense involved more than 5 kilograms of a mixture or substance  
containing a detectable amount of cocaine, Schedule II Controlled  
Substances contrary to Title 21, United States Code, Sections  
841(a)(1) and 841(b)(1)(A), and in violation of Title 21, United  
States Code, Section 846.

COUNT TWO

[21 U.S.C. § 841(a)(1)]

On or about May 3, 2006, in the Western District of Texas, the  
Defendant,

EPIFANIO ALCAREZ aka "El Chino"  
LAURA PATRICIA LOPEZ ALFARO  
and  
MARIA GUERRERO ALFARO

did knowingly, intentionally and unlawfully possess with intent to  
distribute a controlled substance, which offense involved more than 5  
kilograms of a mixture or substance containing a detectable amount of  
cocaine, a Schedule II Controlled Substance, in violation of Title 21,  
United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT THREE

[21 U.S.C. § 841(a)(1)]

On or about May 3, 2006, in the Western District of Texas, the  
Defendant,

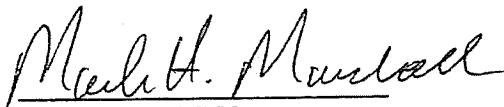
ALEJANDRO RODRIGUEZ MARAVILLA  
and  
ARTURO GARCIA,

did knowingly, intentionally and unlawfully possess with intent to  
distribute a controlled substance, which offense involved a mixture or  
substance containing a detectable amount of cocaine, a Schedule II  
Controlled Substance, in violation of Title 21, United States Code,  
Sections 841(a)(1) and 841(b)(1)(C).

A True Bill:

ORIGINAL SIGNATURE  
REDACTED PURSUANT TO  
E-~~GOVERNMENT ACT OF 2002~~  
E-~~GOVERNMENT ACT OF 2002~~

JOHNNY SUTTON  
UNITED STATES ATTORNEY



MARK H. MARSHALL  
Assistant U.S. Attorney

## United States District Court

FILED

MAY - 4 2006

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY J  
DEPUTY CLERK

WESTERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

Jorge Manuel Alvarez

AKA's: Jorge Miguel Alvarez, Jorge  
Alcaraz, Miguel Alcaraz Gomez, "El  
Chino" and "Chino"

(Name and Address of Defendant)

## CRIMINAL COMPLAINT

CASE NUMBER:

A06-159M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 3, 2006 in Travis county, in the

Western District of Texas defendant(s) did, (Track Statutory Language of Offense)

Knowingly, intentionally, and unlawfully, conspired with persons known and unknown, to possess with intent to distribute an illegal controlled substance, to wit; Cocaine HCL

in violation of Title 21 United States Code, Section(s) 841 (a)(1), 846

I further state that I am a(n) Austin PD Detective Sam Bryson and that this complaint is based on the following  
Official Title

facts: In April 2006, Detectives with the Austin Police Department Major Narcotics Conspiracy Unit received information from a Cooperating Defendant, that subjects, known to the Cooperating Defendant, as "El Chino" and "El Chino's" wife, are possessing and selling kilogram quantities of Cocaine from their residence located at 801 Newcastle Drive, Austin, Travis County, Texas. Detectives conducted surveillance at 801 Newcastle Drive, Austin, Travis County, Texas and observed individuals entering and leaving the residence, after short periods of time, which is consistent with narcotics sales.

On May 3, 2006, Detectives were conducting surveillance at 801 Newcastle Drive, Austin, Texas. Detectives observed a hispanic female, later identified as Laura Patricia Lopez Alfaro, open the garage door and back out a silver Jeep Cherokee, displaying Texas license plates BN1-5J. Detectives observed Laura Alfaro place a small baby in the Jeep and

Continued on the attached sheet and made a part

☒ Yes ☐ No

Signature of Complainant

Sam Bryson #5237

Sworn to before me, and subscribed in my presence,

5/4/06  
Date

at AUSTIN, TX  
City and State

**ANDREW W. AUSTIN**  
United States Magistrate Judge

Name and Title of Judicial Officer

Andrew W. Austin  
Signature of Judicial Officer



also observed a young Hispanic male, later identified as Laura Alfaro's thirteen year old brother, get into the Jeep. Detectives followed the Jeep to a car wash, located on E. William Cannon Drive, where the Jeep was observed driving up to a red Chevrolet Corvette, displaying Texas license plates T49-HFS, occupied by two Hispanic males, later identified as driver, Arturo Garcia and passenger, Alejandro Rodriguez Maravilla. Detectives observed Garcia exit the Corvette and meet with Laura Alfaro, where Detectives observed a hand-to-hand exchange between Laura Alfaro and Garcia. The Corvette and Jeep immediately left the car wash, with surveillance being conducted on the Corvette. A traffic stop was conducted on the Corvette, by Austin Police Department Patrol Officers, for speeding in the 5600 block of South IH-35. During the traffic stop, Garcia admitted to APD Patrol Officers, that approximately  $\frac{1}{4}$  kilogram of Cocaine was inside the Corvette. As a result of the traffic stop, Detectives seized approximately 250 grams of Cocaine HCL from under the drivers seat of the Corvette. Detective G. Moore conducted a preliminary analysis on the Cocaine with the results being positive for Cocaine HCL. Garcia and Maravilla were arrested for the state charge of Possession of a Controlled Substance and transported to the APD Narcotics Office. After being read the Miranda Rights, Garcia stated that he (Garcia) had just picked up nine ounces of Cocaine from "Chino's" wife, that was driving a silver Jeep Cherokee. Garcia stated that the transaction occurred at the car wash on East William Cannon. Garcia also stated that Maravilla rode with Garcia, as protection, during the Cocaine transaction.

Surveillance was maintained on 801 Newcastle Drive, at which time Detectives observed Laura Alfaro, return to the residence, in the Jeep Cherokee, parking it in the garage. APD Detective S. Bryson obtained a state narcotics search warrant for 801 Newcastle Drive, Austin, Travis County, Texas. On May 3, 2006, the state narcotics search warrant was executed at 801 Newcastle Drive, Austin, Texas. Upon entry, Detectives located Laura Alfaro, Maria Guerrero Alfaro, a thirteen year old juvenile and an infant, in a locked master bedroom bathroom. Detectives seized wet packaging, that were consistent with packaging of kilograms of Cocaine HCL, on top of the toilet in the master bedroom bathroom. Detectives seized approximately 6882 grams of Cocaine HCL, numerous digital scales, packaging material, tally sheets, three semi-auto pistols, ammunition, \$57,156.00 US Currency, big screen televisions, and four vehicles, from the residence. Detectives also seized numerous personal papers in the names of Jorge Manuel Alvarez, Jorge Alcaraz, Jose Alvarez, Miguel Alcaraz Gomez, Laura Patricia Lopez Alfaro, Laura Lopez, and Maria Guerrero Alfaro, throughout the residence.

After being read the Miranda Rights, Laura Alfaro confessed to knowledge of the Cocaine HCL, three pistols, and US Currency, seized from the residence. Laura Alfaro also stated that she (Laura Alfaro) has delivered Cocaine on numerous occasions. Laura Alfaro identified Laura's husband as Miguel Gomez Alvarez.

After being read the Miranda Rights, Maria Guerrero Alfaro, the mother of Laura Alfaro, stated that she has been with Laura Alfaro, on at least three occasions, to deliver Cocaine. Maria Alfaro stated that Laura's husband is a dope dealer and that the husband directs Laura Alfaro on Cocaine deliveries.